# Exhibit 15
Filed Under Seal

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAMSUNG ELECTRONICS CO., LTD.          )
AND SAMSUNG SEMICONDUCTOR,             )
INC.,                                  )
                                       )
                    Plaintiffs,        )          C.A. No. _____
                                       )
        v.                             )
                                       )          **DEMAND FOR JURY TRIAL**
NETLIST, INC.,                         )
                                       )
                    Defendant.         )


**COMPLAINT FOR DECLARATORY JUDGMENT OF NON-INFRINGEMENT AND
UNENFORCEABILITY; BREACH OF CONTRACT**

Plaintiffs Samsung Electronics Co., Ltd. and Samsung Semiconductor, Inc.
(collectively, "Samsung") seek a declaration that Samsung does not directly or indirectly infringe
United States Patent Nos. 10,217,523 (the "'523 patent"), 10,474,595 (the "'595 patent"),
9,858,218 (the "'218 patent"), and 7,619,912 (the "'912 patent") (collectively, the "Patents-in-
Suit") (Exhibits A-D), either literally or under the doctrine of equivalents; a declaration that the
Patents-in-Suit are unenforceable due to inequitable conduct and unclean hands; and a ruling that
Defendant Netlist, Inc. ("Netlist") has breached contractual obligations owed to Samsung,
including obligations to license its allegedly essential patents to Samsung and its affiliates on
reasonable and non-discriminatory ("RAND") terms and conditions, as follows:


**NATURE OF THE ACTION**

1.      This is an action for a declaratory judgment and breach of contract arising
under the patent laws of the United States, Title 35 of the United States Code, the Declaratory
Judgment Act, 28 U.S.C. § 2201 *et seq.*, and state contract law.

Samsung memory modules infringe Netlist's patents, including the '523, '595, and '218 patents.

Netlist previously asserted these same patents in litigation against SK hynix, and in doing so served

claim charts that purport to demonstrate infringement based on compliance with certain JEDEC

memory standards. The Samsung memory modules at issue in this action implement those same

standards. In addition, in an ongoing patent infringement lawsuit against Google, Netlist recently

amended its infringement contentions to allege that Google's servers (which include Samsung's

standard-compliant memory modules) infringe the '912 patent. As a direct and proximate result of

Netlist's patent enforcement activities with respect to the '912 patent, Samsung has received

demands for indemnification, including from Google and Lenovo. Furthermore, between May

2020 and the present, Netlist made demands that Samsung take a second license to Netlist's

portfolio of patents. Accordingly, as set forth herein, Netlist has engaged in affirmative acts related

to the enforcement of the Patents-in-Suit against specific Samsung products currently being sold

and used throughout the United States. Because this action presents an actual controversy with

respect to the Patents-in-Suit, the Court may grant the declaratory relief sought pursuant to 28

U.S.C. § 2201 *et seq.*

## BACKGROUND

### A. Netlist's Extraordinary License Demand and Infringement Claims

12. On November 12, 2015, Netlist and SEC entered into a Joint Development

and License Agreement (the "Agreement"). The Agreement contains cross-license, joint

development, and product supply provisions.

13. In the Agreement, Netlist granted SEC and its subsidiaries, including SSI,

a perpetual, paid-up, worldwide, non-exclusive license to all patents owned or controlled by Netlist

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